

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**MONTEZ BETHEA,**

*Petitioner,*

**v.**

**BARRY SMITH, ET AL.,**

*Respondents.*

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**CIVIL ACTION**

**No. 18-cv-5014**

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of May, 2019, upon careful and independent consideration of the petition for a writ of habeas corpus, available state records, and the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (ECF No. 6), it is hereby **ORDERED** that:

1. The Report and Recommendation is **ADOPTED** and **APPROVED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**;
3. A certificate of appealability **SHALL NOT BE ISSUED** because the Petitioner has neither made a substantial showing of the denial of a constitutional right, nor demonstrated that a reasonable jurist would debate the correctness of this ruling pursuant to 28 U.S.C. § 2254(c)(2);
4. Petitioner's Motion for a Stay (ECF No. 8) is **DENIED**; and
5. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

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**MITCHELL S. GOLDBERG, J.**